NOTICE IS HEREBY GIVEN that the Advisory Planning Commission of the Tahoe Regional Planning Agency will conduct its regular meeting at 9:30 a.m. on February 8, 2006, at the North Tahoe Conference Center located at 8318 North Lake Blvd., Kings Beach, CA. The agenda for the meeting is attached hereto and made a part of this notice.

February 1, 2006

[Signature]
John Singlaub
Executive Director
All items on this agenda are action items unless otherwise noted.

AGENDA

I. CALL TO ORDER AND DETERMINATION OF QUORUM

II. APPROVAL OF AGENDA

III. PUBLIC INTEREST COMMENTS (No Action)

Any member of the public wishing to address the Advisory Planning Commission on any agenda item not listed as a Public Hearing or a Planning Matter item, or on any other issue, may do so at this time. However, public comment on Public Hearing and Planning Matter items will be taken at the time those agenda items are heard.

NOTE: THE ADVISORY PLANNING COMMISSION IS PROHIBITED BY LAW FROM TAKING IMMEDIATE ACTION ON, OR DISCUSSING ISSUES RAISED BY THE PUBLIC THAT ARE NOT LISTED ON THIS AGENDA.

IV. DISPOSITION OF MINUTES

V. PUBLIC HEARINGS

A. Amendment of Map Showing Need for Water Quality Improvements

Pursuant to Requirements of Chapter 37, Individual Parcel Evaluation System (IPES), Section 37.10.A., Installation of Water Quality Improvements in Vicinity of Parcels  

Page 1

VI. PLANNING MATTERS

A. Pathway 2007 Briefing

   a. Overview of Proposed Action for May
   b. Overview of Water Quality Resource Area
   c. Overview of Air Quality Resource Area
   d. Overview of Transect Concept
   e. Overview of Fish & Wildlife Resource Area

   Page 7

B. Update and Discussion of Interim Allocation Process

   Page 11

VII. REPORTS

A. Executive Director
B. Legal Counsel
C. APC Members

VIII. ADJOURNMENT
REGULAR MEETING MINUTES

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Called to order at 9:40 am

Members Present: Mr. Cole, Mr. Breuch for Mr. Combs, Mr. Romsos for Ms. Davidson, Mr. Harris, Ms. Jamin, Mr. Jepsen, Ms. Krause, Mr. McIntyre, Ms. Moss, Mr. Plemel, Mr. Poppoff, Mr. Riley, Ms. Schmidt, Mr. Tolhurst

Members Absent: Mr. Hust, Ms. Kemper, Mr. Lawrence, Mr. Porta

II. APPROVAL OF AGENDA

Mr. Jepsen moved to approve the agenda. Motion carried unanimously.

III. PUBLIC INTEREST COMMENTS

None

IV. APPROVAL OF MINUTES

Mr. Tolhurst moved to approve the minutes as amended. Motion carried unanimously.

V. PUBLIC HEARINGS

A. Recommendation on Amendment to Code of Ordinances, Chapter 22 Height Standards, to consider increasing the allowable height for certain Public Service uses for Waste Transfer and other matters properly relating thereto

Staff member Lief Larson presented the recommended amendment to Code of Ordinances, Chapter 22.

Public Comment:

Gary Midkiff, representing the South Tahoe Refuse Company, stated that he supports the staff recommendation.
Mr. McIntyre moved to approve staff recommendation with the caveat that staff look at changes to the code to take a more broad approach to include all Public Safety uses in the Pathway 2007 process.

Motion carried unanimously.

B. Recommendation on the Number of 2006 Residential Allocations to be Allocated to Local Jurisdictions and Discussion on Potential Interim Allocation Program Beyond 2006

Staff member Paul Nielsen presented the 2006 Residential Allocations to Local Jurisdictions and also held a discussion on recommendations for a program beyond 2006.

Public Comment:

John Falk, representing the Tahoe Sierra Board of Realtors, stated that they hope that the Pathway 2007 process will look at this program closely and not punish local jurisdictions and especially property owners as this is out of their control.

Ms. Jamin moved to approve the allocations.

Motion carried unanimously.

Staff member Paul Nielsen led the discussion of recommendations for a program beyond 2006.

Board Member recommendations include: 1) interim plan is necessary, 2) create more incentives for the local jurisdictions, 3) bring the APC suggestions/status on a monthly basis on the agenda, 4) reconvene the PRC which is an existing committee (which is comprised mostly of members of the APC).

Public Comment:

Jennifer Merchant, Placer County, wanted to highlight these issues and feels that moving forward to develop this program as soon as possible and include any public participating and stakeholders for their suggestions is extremely important.

John Falk, Tahoe Sierra Board of Realtors, stated that staff has been exceptionally helpful with this issue and this process should be done sooner rather than later. He also feels that the main players including the League, Sierra Club, real estate community, along with the local jurisdictions is very important.

Sara Ellis, Nevada Realtors, stated that this is definitely important to take care of this before it becomes an issue, otherwise there will be litigation. She suggested using the same stakeholder group that was formed during the last five year review.

VI. PLANNING MATTERS

A. New Project Amendment for the 2004 Federal Transportation Improvement Program
Staff member Nick Haven presented this informational item. An action was taken at the Tahoe Transportation Commission meeting to transition their duties to the APC. They are the advisory body to the Tahoe Metropolitan Planning organization the other hat of the TRPA Governing Board. We would like to retool the institutional structure to create a better program management and project delivery system. They will be going to the Governing Board next week with the recommendation from the TTC. The logistical issues still need to be worked out.

No Public Comment.

B. Pathway 2007 Status Report

Staff member Gabby Barrett gave a statue report on the Pathway 2007 process.

No Public Comment.

No action required.

C. Draft Initiative to Develop a TRPA “Certified Professionals Program”

Staff member Lyn Barnett presented the Certified Professional Program concept.

Member comments include: 1) this program has tremendous potential and there is something similar in Nevada, 2) consider within the BMP retrofit program that the private sector would be valuable in this arena, 3) this could help consistency between the local jurisdictions and TRPA, 4) study other organizations and encourage other contractors to enlist others to apply for certification and make sure these professionals are reviewed every year for compliance and renewal of their licenses.

No Public Comment

VII. ADMINISTRATION

A. Election of Chair and Vice-Chair

APC member Alan Tolhurst was unanimously elected Chairman and APC member Teri Jamin was unanimously elected Vice-Chair for the next two years.

VIII. REPORTS

A. Executive Director

John Singlaub gave the Executive Director report.

B. Legal Counsel

Jordan Kahn, Assistant Agency Counsel, gave the Legal report.

C. APC Members
Mr. McIntyre reported that he sits on the Board of WATT put together by employers to promote workforce housing. They have just received a grant from SHCAL foundation for $245,000 to build the organization as a non profit affordable housing corporation. They are focused on several projects in Truckee and plan to move to Placer County for consideration of projects there.

Mr. Riley stated that he has heard a lot of comments that are untrue about what John says and Julie says and the Governing Board members say and what comes out in the paper is often not right.

Mr. Breuch stated that Paul Nielsen was part of the stakeholder meetings and Placer County is looking at revamping their land development process and he applauds Paul’s efforts and it’s going very well.

IX. ADJOURNMENT

Chairman Ms. Moss adjourned the meeting at 12:30 p.m.

Respectfully submitted,

Judy Nikkel
Clerk to the Board

The above meeting was taped in its entirety. Anyone wishing to listen to the tapes of the above mentioned meeting may call for an appointment at (775) 588-4547. In addition, written documents submitted at the meeting are available for review at the TRPA Office, 128 Market Street, Stateline, Nevada.
MEMORANDUM

February 1, 2006

To: TRPA Advisory Planning Commission

From: TRPA Staff


Proposed Action: To amend the existing map delineating water quality improvements in the vicinity of parcels as set forth below (See exhibits: 1 and 2).

Recommendation: Staff proposes that the Advisory Planning Commission conduct a public hearing and recommend adoption of the map amendments and their respective scores.

Background: One of the eight elements of a vacant residential parcel’s IPES score is predicated on whether off-site water quality treatment improvements are present in the adjacent serving roadway system. When these types of improvements are installed by local jurisdictions, the positively affected parcel’s scores can be increased to the maximum award for this category. These projects are a large component of the Environmental Improvement Program (EIP). Consequently, at the October 1987 meeting, the Governing Board adopted the map delineating water quality improvements in vicinity of affected parcels. Preparation of this map was based upon field data collected during the summer of 1987 pursuant to Subsection 37.2.G of the Code of Ordinances:

37.2.G Need For Water Quality Improvements In Vicinity Of Parcel: The maximum score for this IPES element is 50 points.

(1) Preparation Of Map: TRPA shall prepare a map identifying areas within which the need for the water quality improvements listed in Table G-1 of the Technical Appendices is the same. The Lake Tahoe Basin Water Quality Management Plan (208 Plan) maps shall be used as a guideline for determining the level of improvements needed. Areas shall be assigned point values in accordance with Table G-1 of the Technical Appendices. The points assigned shall be equal
to the mathematical difference between 50 points and the total of the negative points received due to the combination of water quality improvements needed.

(2) Assigning Scores To Parcels: Each parcel shall receive the score assigned to the area, established under Subparagraph (1), above, in which the parcel is located.

G. Need For Water Quality Improvements in Vicinity of Parcel

TABLE G-1

NEEDED WATER QUALITY IMPROVEMENTS

<table>
<thead>
<tr>
<th>Needed Improvement</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revegetation</td>
<td>+ 6</td>
</tr>
<tr>
<td>Rocklined or vegetated ditches</td>
<td>+ 8</td>
</tr>
<tr>
<td>Curb gutter or paved swales</td>
<td>+ 8</td>
</tr>
<tr>
<td>Storm drain pipes</td>
<td>+ 8</td>
</tr>
<tr>
<td>Retaining walls</td>
<td>+ 4</td>
</tr>
<tr>
<td>Rock slope protection</td>
<td>+ 4</td>
</tr>
<tr>
<td>Paved roads</td>
<td>+ 8</td>
</tr>
<tr>
<td>Sediment basins</td>
<td>+ 4</td>
</tr>
</tbody>
</table>

Total Possible Points 50

Since adoption of this map, numerous water quality improvement projects have been implemented within the Basin. As provided for in the IPES system, a parcel's IPES score may be increased if (37.10.A) "water quality improvements of the type considered in subsection 37.2.G are installed in an area subsequent to TRPA preparing the maps in accordance with subparagraph 37.2.G(1)."

Upon implementation of these projects: "TRPA shall amend the map by increasing the point values identified in Table G-1 for the improvements installed. The scores received by parcels located in areas where point values are increased in this subsection shall be increased to reflect the new point value."

Amendments proposed by staff are intended to:

1. Account for water quality improvement projects implemented since 2004;
2. Increase the point scores for those parcels affected by these projects pursuant to 37.10.A. of the Code of Ordinances.

Discussion: The proposed amendments are based upon field data collected during December of 2005. Point values were assigned according to the scoring criteria in Table G-1. Properties affected by the score increases were restricted to only those parcels immediately within the vicinity of the water quality improvement project. Please note that evaluations were only completed for Placer County. The IPES lines in Douglas, Washoe and El Dorado County have previously lowered to the point that all remaining IPES parcels in these counties are buildable (with the exception of zero IPES scores) and therefore further evaluation of water quality improvements in these counties for IPES analysis is not necessary.

Required Findings: The following findings must be made prior to adopting the proposed amendments:

A. Chapter 6 Findings:

1. Finding: The project is consistent with, and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code, and other TRPA plans and programs.

Rationale: The amendments are consistent with Chapter 37 of the Code of Ordinances. Subsection 37.10.A. anticipated the need for amendments and established the criteria for the related IPES parcel score increases.

2. Finding: That the project will not cause the environmental thresholds to be exceeded.

Rationale: The amendments are consistent with the Regional Plan and will not cause the environmental thresholds to be exceeded. The adjustments in scores were planned for when such water quality improvements were realized.

3. Finding: Wherever federal, state and local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V(d) of the Compact, the project meets or exceeds such standards.

Rationale: See findings 1 and 2 above.

4. Finding: The Regional Plan and all of its elements, as implemented through the Code, Rules and other TRPA plans and programs, as amended, achieves and maintains the thresholds.
Rationale: For the reason set forth in the rationale for finding 1 above, these amendments better implement the Code and Regional Plan as intended and will assist in the achievement and maintenance of the environmental thresholds.

If you have any questions or comments regarding this agenda item, please contact Tim Hagan at (775) 588-4547, ext. 275.

Attachments:
Exhibits: 1 and 2

<table>
<thead>
<tr>
<th>Number</th>
<th>Jurisdiction</th>
<th>Water Quality Improvement Project Name</th>
<th>Proposed Additions to Present Score</th>
<th>Exhibit</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Placer</td>
<td>Timberland</td>
<td>+36</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>Placer</td>
<td>Upper Cutthroat</td>
<td>+36</td>
<td>2</td>
</tr>
</tbody>
</table>
AN ORDINANCE AMENDING ORDINANCE NO. 98-9 AS AMENDED, BY AMENDING THE REFERENCE MAP FOR THE INDIVIDUAL PARCEL EVALUATION SYSTEM RELATING TO THE NEED FOR WATER QUALITY IMPROVEMENTS; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

The Governing Board of the Tahoe Regional Planning Agency does ordain as follows:

Section 1.00 Findings

1.10 It is necessary and desirable to amend TRPA Ordinance No. 87-9, as amended, by amending the Individual Parcel Evaluation System (IPES) reference map related to the need for water quality improvements, in order to further implement the Regional Plan of the Agency, as amended, pursuant to Article VI(a) and other applicable provisions of the Tahoe Regional Planning Compact, as amended (“Compact”).

1.20 The Advisory Planning Commission (“APC”) conducted a public hearing on January 14th, 2004, and unanimously recommended adoption of the new maps and scores. The Governing Board has conducted a noticed public hearing on the amendments. Oral testimony and documentary evidence were received and considered.

1.30 The Governing Board has determined that the amendments have no significant environmental effect, and thus are exempt from the requirement of an environmental impact statement pursuant to Article VII of the Compact.

1.40 The Governing Board finds that, prior to the adoption of this ordinance, the Board made the findings required by Section 6.5 of the TRPA Code of Ordinances and Article V(g) of the Compact.

1.50 The amendments adopted by this ordinance continue to implement the Regional Plan, as amended, in a manner that achieves and maintains the adopted environmental threshold carrying capacities cities as required by Article V© of the Compact.

1.60 Each of the foregoing findings is supported by substantial evidence in the record.

Section 2.00 Amendment to the IPES Reference Maps

Subparagraph (1)(a) of Subsection 6.40 of Ordinance No. 87-9, as amended, is hereby further amended by the addition of the double underlined language to read as follows:

6.40 Reference Maps
   (1) IPES MAPS: The IPES working maps include:
(a) Need for Water Quality Improvements at the scale of 2" = 1 mile (October 1987), as amended by:

i) Exhibits 1 through 28, inclusive, attached hereto and dated October 1991,

ii) Exhibits 1 through 13 inclusive, attached hereto and dated May 4, 1994,

iii) Exhibits 1 through 12, inclusive, attached hereto and dated December 9, 1997,

iv) Exhibits 1 through 9, inclusive, attached hereto and dated January 1999.


vii) Exhibits 1 through 8 inclusive, attached hereto and dated December 20, 2001.

viii) Exhibits 1 through 4 inclusive, attached hereto and dated November 27, 2002.


Section 3.00 Interpretation and Severability

The provisions of this ordinance and the amendments to the maps adopted hereby shall be liberally construed to effect their purposes. If any section, clause, provision or portion thereof is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance, or the amendments to the maps, shall not be affected thereby. For this purpose, the provisions of this ordinance and the amendments are hereby declared respectively severable.

Section 4.00 Effective Date

Pursuant to Section 12.3, this ordinance shall become effective 60 days after the date of this adoption.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held January 25, 2006 by the following vote:

Ayes:

Nays:

Abstentions:

Absent:

____________________________________
Allen Biaggi, Chairman
Tahoe Regional Planning Agency

CALENDAR ITEM V.A
MEMORANDUM

February 1, 2006

To: Advisory Planning Commission

From: TRPA Staff

Subject: Pathway 2007 Briefing

Proposed Action: TRPA staff is beginning an orientation process for the APC to prepare them for future recommendations on proposed Thresholds. There is no action required for the February briefing.

Schedule: In preparation for an APC recommendation to the Governing Board, TRPA staff has scheduled the following:

- February – Briefing on the Resource Areas covered by the Pathway Evaluation
- March – Briefing on the Resource Areas covered by the Pathway Evaluation
- April – Pathway EIS Scoping Hearing on the Forum/Staff Recommendation for the Proposed Alternative for updating the Thresholds
- May – Recommendation to Governing Board

February Briefing: Staff will make a series of PowerPoint presentations as noted on the Agenda. Attachment A outlines the nature of the proposed action. It should be clear that the May APC recommendation will be in the context of scoping an EIS and not in adopting updated Thresholds.


The Transect presentation will be a short PowerPoint presentation to educate the APC as to the potential use of this planning tool.

If you have any questions about this agenda item, please contact Gabby Barrett at (775) 588-4547 ext. 219, or email your questions to gbarrett@trpa.org
MEMORANDUM

To: Pathway 2007 Forum members
From: TRPA Staff
Date: January 24, 2006
Re: Pathway 2007 April and May Item for Consideration at the TRPA Governing Board

This Memorandum outlines the nature of the action TRPA currently expects to present to the TRPA Governing Board in April and May 2006 concerning the recommendations of the Pathway 2007 Forum. Questions on the summary should be directed to TRPA Pathway 2007 Branch Chief Gordon Barrett at (775) 588-4547 extension 286 or via e-mail at: gbarrett@trpa.org.

Background

- Under the Tahoe Regional Planning Compact (“Compact”) enacted in 1980, TRPA carries out its mandate, in part, by establishing Environmental Threshold Carrying Capacities (“Thresholds”). The Compact defines “Threshold” as “an environmental standard necessary to maintain a significant scenic, recreational, educational, scientific or natural value of the region to maintain public health and safety within the region.” The Compact further provides that the Thresholds are to include, but not be limited to, standards for air quality, water quality, soil conservation, vegetation preservation and noise.

- TRPA currently has Thresholds in place that were validly adopted in TRPA Resolution 82-11 for the five resource areas identified in the Compact as well as scenic quality, wildlife, fisheries and recreation. As required by the Compact, the U.S. Forest Service Lake Tahoe Basin Management Unit (“USFS”), Lahontan Regional Water Quality Control Board (“Lahontan”), Nevada Department of Environmental Protection (“NDEP”) and other appropriate agencies assisted in the development of TRPA’s adopted Thresholds.

- The Compact further directed TRPA to implement its Thresholds by adopting a Regional Plan to achieve and maintain the Thresholds. TRPA’s 1987 Ordinance 87-9 enacted the TRPA Regional Plan, which is a group of documents including, but not limited to, the TRPA Goals and Policies and TRPA Code of Ordinances. Since 1987, the Regional Plan has been amended on numerous occasions and remains in effect today.

- TRPA’s adopted Thresholds and Regional Plan are 20 years old, and the time is now appropriate for TRPA to update both.
Pathway 2007

- Pathway 2007 is a multi-agency, collaborative public process designed to coordinate and provide input into the updated plans and regulations of TRPA, USFS, Lahontan, NDEP, and state and local governments.

- The Pathway 2007 process includes the involvement of federal, state and local governments, stakeholders of the Tahoe Region, technical and scientific experts, and the general public, and is a three-phase process:

  (a) The First Phase is to develop desired conditions, which for TRPA will provide groundwork for updating its Thresholds;
  (b) The Second Phase is to develop strategies to meet the recommended desired conditions, which for TRPA will provide groundwork for updating its Goals and Policies; and
  (c) The Third Phase is to develop the programs, projects and regulations relating to the implementing strategies, which for TRPA will provide the groundwork for updating the TRPA Code of Ordinances, Environmental Improvement Plan (“EIP”), and other documents and programs.

- The Pathway 2007 process will conclude with the adoption of several important planning documents. For TRPA, the updated Thresholds and Regional Plan will be adopted at the conclusion of the Pathway 2007 process.

- Until then the 1982 Thresholds will remain in effect.

- Before final adoption of either the updated TRPA Thresholds or the Regional Plan update, TRPA will prepare an Environmental Impact Statement (“EIS”) for consideration and certification by the TRPA Governing Board.

April and May 2006: The TRPA Governing Board and TRPA EIS

- In Phase 1 of Pathway 2007, the Forum has been working toward a consensus recommendation for future desired conditions that will guide the further planning of each of the Four (4) Pathway agencies – TRPA, Lahontan, USFS, and NDEP. The Forum’s recommendation will be presented as a Report.

- The Forum’s Report recommending desired future conditions is expected to be presented to the TRPA Governing Board in April and May 2006.

- The desired conditions and standards in the Forum’s Report are not in and of themselves TRPA’s Thresholds. The Forum’s recommendations will, together with TRPA staff recommendations, be combined into a composite set of “Proposed Thresholds.”

- The Board will be asked to vote on whether staff may continue the Pathway 2007 process and begin preparing the Regional Plan update and underlying EIS based on the Proposed Thresholds as recommended by TRPA staff, with input from the
Forum. The Proposed Thresholds will be the groundwork for preparing a proposed preferred alternative for analysis in a TRPA EIS.

- The Board will also be asked for direction on different or additional factors for staff to consider and evaluate as part of its environmental review in the EIS of the Proposed Thresholds.

- At the April and May meetings, the Governing Board may also conduct a public hearing concerning the scope of the EIS for the Threshold update.

- Once the Governing Board has endorsed the Proposed Thresholds as the groundwork upon which TRPA may move forward to prepare an EIS, the EIS process will formally commence. The EIS will address all of the comments received during the scoping hearings and comment period on the Proposed Thresholds.

- In preparing the EIS on the Proposed Thresholds, TRPA will develop a reasonable range of alternatives to the Proposed Thresholds in order to evaluate the environmental impacts of different Threshold packages or approaches.

**Continuing Pathway 2007**

- The TRPA Thresholds that will be adopted at the end of the Pathway 2007 process may ultimately mirror the desired conditions and standards in the Forum’s Report of April 2006.

- Alternatively, it is possible that changes may be made to the Proposed Thresholds based upon the environmental analysis in TRPA’s EIS or information brought forward during the later phases of the Pathway 2007 planning process.

- Any changes to the Proposed Thresholds that may have been the basis in April and May 2006 for continued planning will be analyzed in TRPA’s EIS and explained to the TRPA Governing Board prior to the Board making its final decision on the TRPA Thresholds or updated Regional Plan.

- The updated Thresholds will only become final and effective upon formal adoption by the TRPA Governing Board at the conclusion of the Pathway 2007 process and certification of a complete EIS on both the updated Thresholds and Regional Plan.

- Until that time, the existing Thresholds established in TRPA Resolution 82-11, as amended, will remain in effect.
MEMORANDUM

January 30, 2006

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Update on 2007 – 2008 Interim Period for Current Plan Continuation and Related Allocation System

Proposed Action: No action is requested at this time. Staff will present an oral update on status of on-going discussions.

Performance Review Committee (PRC) Meeting:

A PRC meeting is being held on February 1, 2006. The purpose of the upcoming public hearing and PRC meeting is to discuss a staff recommendation for an interim process for residential, commercial and tourist accommodation units and their relationship to continuing the existing regional plan package in 2007 and 2008. Notices of the meeting were mailed to persons expressing interest in the process and to members of the 2001 allocation stakeholder group which participated in the development of the performance based residential allocation program.

A copy of the PRC report is attached to this memo.

Please feel free to contact Paul Nielsen, Assistant Branch Chief, at (775) 588-4547 or pnielsen@trpa.org should you have any questions.
MEMORANDUM

January 22, 2006

To: TRPA Performance Review Committee
From: TRPA Staff
Subject: Discussion of Proposed Interim Residential, Commercial and Tourist Accommodation Allocation Program for 2007 and 2008

Proposed Action: Consider staff recommendation, to be forwarded to the Advisory Planning Commission, to create an interim residential, commercial and tourist accommodation allocation program for 2007 and 2008.

Background

Questions have arisen whether TRPA is planning for an interim allocation program after 2006. The current 1987 Regional Plan provides for the distribution of allocations up to December 31, 2006, in anticipation that a new Regional Plan would be in place starting January 1, 2007. Since TRPA does not expect to have a new Regional Plan adopted by January 1, 2007, and the Code does not currently provide for additional residential allocations to be distributed beyond 2006, TRPA has been given direction by the TRPA Governing Board to develop an interim program that will provide for the distribution of allocations beyond 2006.

Current Residential Allocation Program

In July 2002, the TRPA Governing Board took action to change the base number of residential allocations from 300 to 150 with the ability to range from a minimum of 78 to a maximum of 294 based on performance criteria in four areas: permit compliance, EIP Implementation, BMP Retrofit and transit. The action followed adoption of the 2001 Threshold Evaluation, which is performed every five years to evaluate TRPA’s progress towards achieving the environmental standards, or thresholds, for the Lake Tahoe Region. The 2001 evaluation concluded that sufficient progress was not being made towards meeting the thresholds and that the rate of implementing environmental improvement programs and projects needed to be increased. These programs and projects are known collectively as the TRPA Environmental Improvement Program (EIP) and its complete and timely implementation is an essential part of the basin-wide cooperative effort to achieve the environmental thresholds. As a result of the evaluation’s findings, staff was given direction to develop a system that links environmental programs to the allocation of additional development. The TRPA Code requires recommendations be included in the Threshold report to ensure progress toward attainment and maintenance of all thresholds. Development of a linkage system was the recommended approach since the TRPA Goals and Policies states that “The timing and phasing of both new development and remedial measures must, therefore, be carefully linked to ensure steady progress toward the environmental thresholds” (Chapter VII, Implementation Element, Development and Implementation Priorities).
Chapter 33 Code Amendments Adopted in December 2002

In December 2002, the TRPA Governing Board adopted amendments that created the system for linking environmental improvements to the allocation of additional residential development. The amendment language was the result of several TRPA sponsored stakeholder-focused workshops and numerous public hearings that were designed to solicit public input into the development of the new allocation system. As a result of those workshops and hearings it was determined that additional residential development would be linked to:

- Increased efforts in the areas of Best Management Practice (BMP) retrofits
- Accelerated Water Quality/Air Quality/SEZ Restoration EIP implementation
- Increased Transit Level of Service (TLOS)
- Memorandum of Understanding (MOU) monitoring and compliance

TRPA worked with sub-groups of the larger stakeholder group and staff of the local jurisdictions to further define the linkage system that allows for the distribution of allocations ranging from a possible minimum of 78 to a maximum of 294.

The ordinance language includes performance targets that have been evaluated in determining the annual number of residential allocations distributed to the local jurisdictions. Allocation enhancement or deduction increments represent the jurisdiction’s proportional share of the historic annual allocations. Each jurisdiction has a baseline number of allocations that represents the starting point from which additional allocations will be awarded or deducted. The Allocation Performance Table adopted as part of the ordinance amendments is as follows:

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Minimum Allocation with Deductions</th>
<th>Deduction Increments</th>
<th>Base Allocation</th>
<th>Enhancement Increments</th>
<th>Maximum Allocation with Enhancements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Douglas</td>
<td>9</td>
<td>-1</td>
<td>13</td>
<td>1</td>
<td>21</td>
</tr>
<tr>
<td>Washoe</td>
<td>13</td>
<td>-3</td>
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<tr>
<td>Total</td>
<td>78</td>
<td></td>
<td>150</td>
<td></td>
<td>294</td>
</tr>
</tbody>
</table>

Note: One deduction or enhancement increment equals the number of allocations shown for individual jurisdictions.

The four linkages are briefly described as follows:

1. Increase Transit Services: In an effort to increase level of service for transit operations, jurisdictions will be awarded or deducted allocations for surpassing or failing to approve Transit Level of Service (TLOS) targets and for increasing or decreasing funding levels to meet those targets. Because jurisdiction transit needs are different, the TLOS targets are jurisdiction specific although the criteria are common to all.
For the 2006 allocation distribution, local jurisdictions received one unit of enhancement for improving three of nine of the previous year’s TLOS criteria by greater than five percent and two units of enhancement for improving five of nine of the previous year’s TLOS criteria by greater than five percent. A one increment deduction was assessed for a five percent or greater decrease in four of the nine previous years TLOS criteria. The base number of allocations were awarded in this category for maintaining the TLOS criteria as documented in the prior year.

2. **EIP Implementation**: In an effort to increase the rate of implementation of air and water quality EIP projects, jurisdictions will be awarded or deducted allocations for surpassing or failing to meet linkage targets such as through the submittal of EIP project lists or achieving project goals. This performance criteria is similar to the existing performance review requirements, however, it has been expanded to include air quality projects and SEZ restoration projects.

For 2006, local jurisdictions were awarded one unit of enhancement for 71% to 100% completion of project components based on 2004-2008 EIP project list submittals. Two units of enhancement were awarded for greater than 100% completion of project components based on 2004-2008 EIP project list submittals. One unit of enhancement was deducted for less than 50% completion or for not having an approved EIP component list and a maintenance efficiency plan. No enhancements or deductions were assessed for completion in the 51% to 70% range.

3. **BMP Retrofit Implementation**: In an effort to increase the rate of BMP implementation, jurisdictions were awarded additional allocations in 2003 based on the establishment of programs designed to meet the annual BMP targets. The program generally includes the following four elements: 1) public outreach and education, 2) BMP site evaluations, 3) technical resource assistance, and 4) final inspections. Starting with the 2004 allocations, allocation enhancements and deductions are based on the local jurisdictions ability to meet those program goals and for dedicating resources to the program.

For 2006, jurisdictions received one unit of enhancement for achieving between 50% and 100% of the annual BMP targets and two units of enhancement for exceeding the annual BMP targets. The baseline allocation was earned by maintaining the resources needed to run the BMP program and a one unit deduction was assessed for not maintaining the program resources.

4. **Permit Monitoring and Compliance**: This linkage rewards jurisdictions that issue permits and perform compliance inspections in conformance with adopted TRPA Memoranda of Understanding. Penalties, or deductions, occur where audits show permits and inspections have not been performed in conformance with the MOU. This component is part of the existing system and remains essentially unchanged. An average audit score of 70% is expected, with many jurisdictions previously scoring near 90%. Jurisdictions receiving scores below 65% in both categories were incrementally decreased. Jurisdictions scoring above 75% and 90% or greater in both categories were awarded one and two additional increments.

In Douglas County where there is no MOU, TRPA’s performance in issuing permits and performing inspections for projects in Douglas County was used to determine the level of allocation enhancements or deduction.
Sensitive Lot Retirement and Moderate Income Housing Allocation Pool

Additional residential allocations can also be distributed through participation in the sensitive lot retirement program. Since 1997, unused residential allocations from the local jurisdictions have been returned to an allocation pool. There are approximately 250 allocations currently in the pool. Allocations can be obtained from the pool by property owners who choose to permanently retire sensitive lots to open space. These sensitive lots are typically 100 percent stream environment zone (SEZ) or lots with low Individual Parcel Evaluation System (IPES) scores. In exchange for recording a deed restriction against the property which permanently retires the lot to open space, a property owner can obtain an allocation for use on an eligible single family or multiple family parcel.

Since Code amendments were passed by the Governing Board in early 2005, allocations have been available from the allocation pool described above to property owners or project proponents planning to build residential units that meet the requirements for moderate income housing. To date, no allocations have been distributed for moderate income housing projects. Residential units that are associated with affordable housing have been exempt from the requirement to obtain a residential allocation since 1987.

Discussion

During the public hearings at the November Performance Review Committee meeting and the December APC and GB hearings, suggestions were made to use unused allocations in the allocation pool for use in 2007 and 2008. Other suggestions were made to make available unused allocations from the years 1987 through 1997. Staff is currently working with the local jurisdictions to determine the number off allocations that were unused during this time period. Using unused allocations that were provided for in the 1987 Regional Plan would not increase the overall development allowed for under the plan. Environmental documentation would need to be completed to analyze the effects of using the unused allocations in 2007 and 2008.

Using allocations from the allocation pool will deplete the number of allocations available for the retirement of sensitive lots and the construction of moderate income housing. Approximately 40 allocations per year over the past four years have been used for the sensitive lot retirement program. It is unknown how many sensitive lots have been acquired by individuals planning to retire them in exchange for an allocation from the pool. To date no allocations have been distributed for moderate income housing projects. Depending on the number of unused allocations that are accounted for by the local jurisdictions and TRPA, it may be prudent to reserve a certain number of allocations in the pool for continued use by individual seeking to retire sensitive lots or construct moderate income housing.

Based on comments received at the PRC, APC and GB meetings, staff is recommending that the existing performance review system be used to determine the number of allocations that will be distributed in 2007 and 2008. Allocations will be made available from allocations that were unused between 1987 band 1997 and a certain number from the allocation pool. A final recommendation will be presented once the total number of available unused allocations has been determined.

Staffs recommendation is also based on the need to move quickly and develop an interim program that will give the local jurisdictions sufficient notice on what is expected in terms of performance in the four linkage categories and to provide the public with assurance that allocations will be distributed in 2007 and 2008. Use of the existing performance review system will eliminate the need to convene a larger group of stakeholders to develop a different interim allocation program that will probably not result in the development of a program for six to eight months. Should significant concern arise over the proposed use of unused allocations and the existing performance review system, it is possible that
convening a larger stakeholder group may be necessary to ensure adequate consideration is given to public comment.

**Commercial Floor Area Allocations**

The Code of Ordinances provided for the release of 100,000 square feet of commercial floor area (CFA) upon completion of the 2001 Threshold Evaluation. However, a process for distributing the CFA was not developed and the 100,000 square feet was never distributed. There is approximately 50,000 additional square feet of CFA available in the special projects allocation pool that is available for distribution beyond 2006 if an interim program is also adopted for CFA.

Staff is recommending that the 150,000 square feet of CFA discussed above be distributed through the special projects program. The goals of the special projects program are to promote major projects that result in the construction of threshold-related environmental improvements, to promote transfer of development that results in substantial environmental benefits, and to rehabilitate substandard development. All projects in adopted community plan or adopted TRPA master plan areas are eligible for the special project allocations. The specifics of the program described in subsection 33.3D(3) of the TRPA. The Code reads in part:

33.3D(3) **Evaluation Criteria:** Approval of special projects shall be evaluated and conditioned upon the implementation of environmental improvement projects or transfers of development our of sensitive lands. These projects shall:

(i) Assist in the attainment of the environmental thresholds by constructing projects listed in the TRPA Environmental Improvement Program, that address a Threshold standard found not to be in attainment per the 2001 Threshold evaluation, and

(ii) Provide substantial environmental benefits or mitigation in excess of TRPA’s project mitigation requirements.

**Public Assistance:** Public and private partnerships are encouraged. Public assistance through redevelopment agencies, conservancies, local government, and other means may be considered in evaluating special projects.

A scoring system has been developed to evaluate how each proposed project meets the eligibility criteria. If the special projects program is determined to be an appropriate mechanism for distribution the approximately 150,000 square feet of CFA, notification will be given in local newspapers advertising the availability of projects to compete for the CFA.

**Tourist Accommodation Units**

The TRPA Code of Ordinances also provides for the release of up to 100 tourist accommodation units (TAU) pursuant to the special projects pool described above and release of an additional 100 units once the first 100 units have been distributed. Each To date 28 units have been distributed out of the initial pool of 100 units. Each TAU allocated from the special projects pool must be matched by transfers of existing TAU from sensitive lands that have been restored. TRPA’s recommendation is to establish an interim program that allows for the distribution of the remaining TAU in the special projects allocation pool pursuant to the existing program.
People At One Time (PAOT)

A PAOT is a measure of recreation capacity. It is the number of people that a recreation use can accommodate at a given time. Recreation uses subject to PAOT allocations are: Summer Day uses (e.g., marinas, golf courses, rural sports), Winter Day uses (e.g., downhill ski facilities) and Overnight uses (e.g. developed campgrounds, group facilities and RV Parks).

A PAOT is considered “additional” if it is to be created pursuant to a TRPA approval issued on or after January 1, 1987 and results in an increase in the design capacity of a facility or increases the overall primary recreational use in the area of a project subject to PAOT limitation. PAOTs are only issued in connection with project approvals. There are five findings that must be made to approve additional recreation facilities:

1. There is a need for the project.
2. The project complies with the Goals and Policies, the applicable plan area statements, and Code.
3. The project is consistent with TRPA’s 20-year target for outdoor recreation.
4. The project meets the findings adopted pursuant Article V(g) of the Compact.
5. If the project requires PAOT allocations, it is consistent with the TRPA Environmental Improvement Program.

Staff is recommending that the existing system of allocating PAOTs be incorporated into an interim allocation system.

Performance Review Committee (PRC) Meeting:

The purpose the upcoming PRC meeting is to discuss the staff recommendation for developing and interim program for residential, commercial and tourist accommodation units and to hold a public hearing to receive public comment. Notices of the meeting have been mailed to persons expressing interest in the program and to members of the 2001 allocation stakeholder group which participated in the development of the performance based residential allocation program. Depending on whether or not significant concern arises over the staff recommendation, staff may elect to forward the recommendation to the APC and GB for consideration or recommend the allocation stakeholder group be re-established to continue discussions of the interim program.

Please feel free to contact Paul Nielsen, Assistant Branch Chief, at (775) 588-4547 or pnielsen@trpa.org should you have any questions.